



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): So et al.
Title: Multi-Bit-Per-Cell Flash EEprom Memory with Refresh
Application No.: 10/045,505 Filing Date: October 18, 2001
Examiner: David Lam Group Art Unit: 2818
Docket No.: SNDK.176US3 Conf. No.: 3147

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 11/30/04

Signature Gulien Bow

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE A
DOUBLE PATENTING REJECTION OVER A PATENT**

Sir:

Petitioner, SanDisk Corporation, a Delaware corporation having a place of business at 140 Caspian Court, Sunnyvale, CA 94089 is the owner of the entire interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 5,909,449. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In compliance with 37 C.F.R. § 1.20(d), the commissioner is authorized to charge the fee of \$110.00 to Deposit Account No. 502664 for this Terminal Disclaimer as set forth in the enclosed transmittal letter.

The undersigned represents that he/she is authorized to sign on behalf of Petitioner.

Respectfully submitted,



Gerald P. Parsons
Reg. No. 24,486

11/30/04

Date

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